

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

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February 14, 2017

Ms. Mary L. Kendall
Deputy Inspector General
U.S. Department of the Interior
1849 C Street NW
Washington, DC 20240

Dear Ms. Kendall:

We received the unredacted report from your office titled “Investigative Report of Ethical Violations and Misconduct by Bureau of Land Management Officials” dated January 30, 2017.¹ I understand your office initiated this investigation in October of 2015 after receiving numerous complaints concerning Bureau of Land Management (BLM) employee Daniel Paul Love. The report documents numerous instances of troubling behavior exhibited by Love.²

One such instance involved the intentional withholding of documents responsive to a congressional inquiry.³ Your report documents that a witness told your investigators that after receiving a congressional request for documents, the witness heard Dan Love “say to [another BLM employee] that [said BLM employee] needed to make sure that he scrubbed the emails before he sent them, you know, flagging anything that looked inappropriate so that [Dan Love] could remove them if needed.”⁴ In another part of the report, a witness testifies about how a BLM employee accessed and “deleted hundreds of documents” from a shared network.⁵ The deleted documents were “team documents” which served as the “historical record or administrative record” for a BLM authorized event.⁶ The witness stated the deleted documents were subject to the Federal Records Act, and were required, under the law not to be destroyed.⁷ If substantiated, these attempts to conceal documents and destroy federal records responsive to a congressional inquiry are unlawful, as it is a federal crime to obstruct a congressional investigation or falsify, conceal or cover up a material fact in one.⁸

¹ U.S. Department of Interior Office of Inspector General, OI-PI-15-0768-I, Ethical Violations and Misconduct by Bureau of Land Management Officials (2017).

² *Id.* at attachments 18 and 48.

³ *Id.* at attachment 18.

⁴ *Id.* at attachment 48.

⁵ *Id.* at attachment 18.

⁶ *Id.*

⁷ *Id.*

⁸ 18 U.S.C. § 1505 states, in relevant part:

The timing of the deletion of federal records raises questions. In your report, a witness notes a BLM employee “deleted hundreds of documents” on February 3, 2016, only to receive a congressional request for those same documents the very next day.⁹ The witness states that “it just seemed odd to [her] that on February 3rd a lot of documents were removed or deleted from the Google drive, and then the next day [BLM is] hit with th[e] congressional” inquiry.¹⁰ It also raises questions that former BLM Director Neil Kornze was provided, as a courtesy, advance notice of the congressional document request prior to February 3rd. We must find out which BLM employees were aware of an impending congressional inquiry when they set about deleting potentially responsive federal records.

Your report documents that Love allegedly attempted to influence the outcome of your investigation by coaching a witness in advance of an interview with your investigators.¹¹ In your investigative report, you state a specific occasion when “Dan Love called [a BLM employee] and...essentially gave [said BLM employee] talking points for any questions that may come up during his interview” with your office.¹² The report states Love provided that same BLM employee with “rationalizations,” leading the employee to believe Love was essentially telling them what to say in the interview.¹³ This allegation is problematic as it occurred after you had already initiated your investigation into Love’s behavior.

As a federal law enforcement officer, Love’s actions have the potential to not only taint your investigation, but to seriously undermine the trust in BLM’s law enforcement office and

Whoever corruptly, or by threats or force, or by any threatening letter or communication influences, obstructs, or impedes or endeavors to influence, obstruct, or impede the due and proper administration of the law under which any pending proceeding is being had before any department or agency of the United States, or the due and proper exercise of the power of inquiry under which any inquiry or investigation is being had by either House, or any committee of either House or any joint committee of the Congress—

Shall be fined under this title, imprisoned not more than 5 years or, if the offense involves international or domestic terrorism (as defined in section 2331), imprisoned not more than 8 years, or both.

Similarly, 18 U.S.C. § 1001 states, in relevant part:

(a) Except as otherwise provided in this section, whoever, in any matter within the jurisdiction of the executive, legislative, or judicial branch of the Government of the United States, knowingly and willfully—

- (1) falsifies, conceals, or covers up by any trick, scheme, or device a material fact;
- (2) makes any materially false, fictitious, or fraudulent statement or representation; or
- (3) makes or uses any false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry;

shall be fined under this title [or] imprisoned not more than 5 years

⁹ *Id.* at attachment 18.

¹⁰ *Id.*

¹¹ *Id.* at attachment 18.

¹² *Id.*

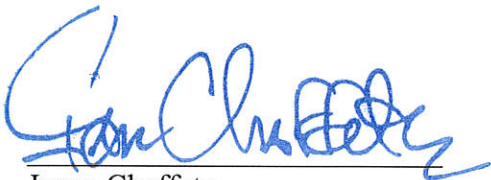
¹³ *Id.*

thwart congressional oversight of the Bureau. As such, I request that you investigate the specific allegations raised in your interviews of destruction of federal records, witness tampering, and obstruction of a congressional investigation.

The Committee on Oversight and Government Reform is the principal investigative committee in the U.S. House of Representatives. Pursuant to House Rule X, the Committee has authority to investigate "any matter" at "any time."

Please have your staff contact Chris Esparza of Chairman Chaffetz' staff at (202) 225-5074 with any questions about this request. Thank you for your attention to this matter.

Sincerely,



Jason Chaffetz
Chairman



Blake Farenthold
Chairman
Subcommittee on the Interior,
Energy, and Environment

cc: The Honorable Elijah E. Cummings, Ranking Minority Member

The Honorable Stacey E. Plaskett, Ranking Minority Member
Subcommittee on the Interior, Energy, and Environment